

Bycatch Communication Network NEWSLETTER

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For the BCNN to continue into 2011 (and hopefully beyond), funding is required following the next two issues of 2010 which are currently supported by Cefas. Any organisations interested in supporting the BCNN into the future, either in whole or in part, please contact me at: ejb24@bigpond.com to discuss options. This newsletter has received strong support since its initiation in 2006, and from readers' emails, is seen as a valuable communication tool. I for one would be sincerely disappointed to see it fold.

On another note, a movie entitled "The End of the Line" has just been reviewed in Australia and is due for release in the UK on June 8th and the US on July 19th. This from the film's [website](#):

The End of the Line, the first major feature documentary film revealing the impact of overfishing on our oceans, had its world premiere at the Sundance Film Festival in the World Cinema Documentary Competition. Sundance took place in Park City, Utah, January 15-25, 2009. In the film we see firsthand the effects of our global love affair with fish as food.

It examines the imminent extinction of bluefin tuna, brought on by increasing western demand for sushi; the impact on marine life resulting in huge overpopulation of jellyfish; and the profound implications of a future world with no fish that would bring certain mass starvation.

Filmed over two years, The End of the Line follows the investigative reporter Charles Clover as he confronts politicians and celebrity restaurateurs, who exhibit little regard for the damage they are doing to the oceans.

One of his allies is the former tuna farmer turned whistleblower Roberto Mielgo – on the trail of those destroying the world's magnificent bluefin tuna population. Filmed across the world – from the Straits of Gibraltar to the coasts of Senegal and Alaska to the Tokyo fish market – featuring top scientists, indigenous fishermen and fisheries enforcement officials, The End of the Line is a wake-up call to the world.

Definitely worth viewing, even for those of us who are aware of the situation, and as a motivational and educational tool - invaluable. Hopefully the release of this film will bring the situation closer to the public eye and maybe initiate a change in consumer habits....one can only hope.

Emma Bradshaw - Editor, BCNN

Disclaimer: The opinions expressed in this publication are not necessarily endorsed by Cefas or the BCN (Bycatch Communication Network).



Cefas

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The Role of International Law in Combating Seabird Bycatch

Arie Trouwborst, Tilburg University Law School, the Netherlands

International law has a crucial role to play in minimizing seabird bycatch which is currently the object of a complex and dynamic international legal framework, characterized by successes and shortcomings alike.

As readers of the BCNN will be aware, seabird bycatch can often be minimized by applying (combinations of) operational and/or technical mitigation measures, tailor-made to the fisheries involved. Examples include bird-scaring devices, weighted lines, and setting gear at night. In the absence of regulations or permit conditions obliging them to implement such measures however, not all fishermen will do so of their own accord. The need for *international* rules is evident in this regard, as many fisheries and seabird populations extend across the maritime zones of various countries as well as areas beyond national jurisdiction, i.e. the high seas.

Rules of relevance to seabird bycatch can be encountered within a substantial number of legally binding treaty regimes. They vary from general, globally applicable rules to detailed regulations for specific fisheries in specific ocean areas. Instances of the former can be found in the UN Law of the Sea Convention (LOSC), the Biodiversity Convention (CBD) and the UN Straddling and Highly Migratory Fish Stocks Agreement (FSA). To illustrate, the FSA obliges its parties to “adopt, where necessary, conservation and management measures for species belonging to the same ecosystem” as the target fish, and in particular, to minimize impacts of fishing on non-target species “through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.”

More specific rules are provided in focused conservation agreements such as the 2001 Agreement on the Conservation of Albatrosses and Petrels (ACAP) and in the regulations adopted by regional fisheries management organizations (RFMOs). ACAP’s objective is a favourable conservation status for the 22 albatross and seven petrel species it represents, and reducing bycatch has been a major focus. The Agreement’s capacity to achieve this is limited however, as some important fishing nations have not become party to the Agreement and because ACAP – like other instruments with nature conservation as its primary aim – lacks the competence to adopt international fisheries management measures.

That competence lies with RFMOs whose main focus is not seabird conservation but fishing. Many RFMOs have by now, albeit often after lengthy delays, taken action on seabird bycatch, however the adequacy of the agreed measures varies widely. The practice of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is exemplary. Through a combination of mandatory and regularly adjusted bycatch mitigation measures – including temporal and spatial closures, night-setting, line weighting, streamer lines, offal management and comprehensive observer coverage, seabird mortality in regulated CCAMLR fisheries has literally been reduced to zero. The CCAMLR blueprint has been copied by other RFMOs only in part. Significant steps in the right direction were taken in recent years by the Western and Central Pacific Fisheries Commission (WCPFC), the Indian Ocean Tuna Commission (IOTC) and the South East Atlantic Fisheries Organization (SEAFO). In other regimes, including the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and the European Union’s fisheries policy, progress has been slow and regulations remain sub-standard.

Mention should finally be made of the International Plan of Action on seabird bycatch in longline fisheries (IPOA-Seabirds) developed under the auspices of the UN Food and Agriculture

Organization (FAO) in 1999. The IPOA includes recommendations for governments on the assessment of seabird bycatch and the drafting of National Plans of Action (NPOAs). The Plan was supplemented in 2009 by a set of Best Practice Technical Guidelines (BPTG) covering not only long lining, but also trawl and gillnet fisheries. The IPOA and BPTG are not in themselves legally binding, but nonetheless provide uniform tools which can serve to inform the application of the binding rules treated before.

The above instruments and the many which could not be included in this concise introduction, together form a complex and constantly evolving legal framework (and a maze of abbreviations). Evidently, this framework is far from perfect. Not all pertinent countries are parties to all instruments, integration of wildlife conservation and fisheries management remains poor, and the RFMO record on bycatch reduction is patchy. Besides, where the right rules are in place, they are not always implemented in good faith, and illegal, unregulated and unreported (IUU) fishing remains a problem. Even so, without this legal framework the plight of many seabird species would probably be worse still. This is why NGOs such as BirdLife, not only invest in the Albatross Task Force (ATF) and similar grassroots efforts, but also continue to try and influence intergovernmental negotiations. Also in that arena, as exemplified by the CCAMLR experience, there is much to be gained.

A more detailed analysis of the instruments and issues touched upon here is provided in a scientific paper published in the Journal of International Wildlife Law and Policy, entitled '*Seabird Bycatch – Deathbed Conservation or a Precautionary and Holistic Approach?*'.

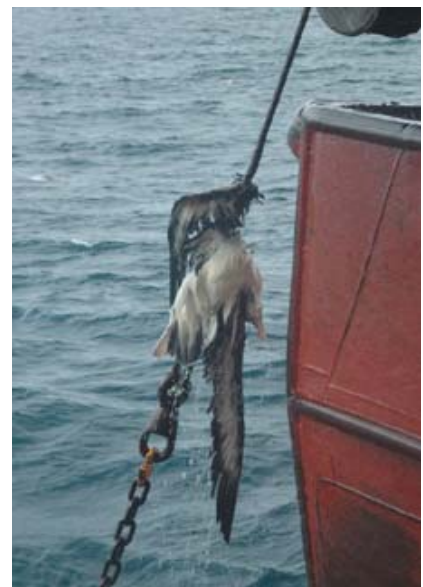
For further information or a copy of the full paper, contact Arie Trouwborst at: a.trouwborst@uvt.nl

Albatross Task Force – Developments in Bycatch Offsetting

Bronwyn Maree, Birdlife South Africa and Leo Tamini, Aves Argentinas

Seabirds are the most truly international group of birds. Unlike most other bird groups, many migrate huge distances, and do so across international waters that are not 'owned' by any particular nation, thus work to conserve them requires a truly global approach. The Global Seabird Programme (GSP) began in 1997, and in 2000 the Save the Albatross Campaign was launched to address the high levels of seabird bycatch within fisheries globally. The Albatross Task Force (ATF) was born out of this campaign and in 2006, the first team began work in South Africa (Birdlife South Africa). The ATF is a group of dedicated instructors who focus their work on collecting data, testing new conservation techniques and working with fishermen to implement solutions to seabird bycatch. To date there are now seven teams operating in South America (Argentina, Brazil, Chile, Ecuador and Uruguay) and southern Africa (Namibia and South Africa).

One of the fisheries we are currently focused on in South Africa is the hake trawl fishery in which seabirds are attracted to the vessels by the processing discards from onboard factories. They are either trapped when diving into the mouth of the net



Black-browed Albatross caught on a cable, © L. Tamini, Aves Argentinas.

or when their wings become wrapped around the thick cables that hold the net in the water. One of the measures used to reduce seabird bycatch is the tori line. It is basically a 30m line, with streamers hanging down to the water surface, and tensioned at the end by a road cone. This bird-scaring line keeps the birds out of the danger area around the cables, preventing them from drowning.

The tori line has reduced seabird bycatch in South Africa by approximately 60% over the last three years. This device is however, not perfect, and on occasion becomes entangled with the large cables (especially in adverse weather conditions), thus reducing its efficiency to protect seabirds.

A similar situation exists in South Atlantic waters. In 2008, the Argentina ATF team (Aves Argentinas) started working with the fleet of 300+ vessels with a considerable level of seabird



Fisher deploying a tori-line with the South African device attached
© B. Maree, Birdlife South Africa.

bycatch. Working on the South African experience, Leo Tamini of the Argentinean team came up with a possible solution for tori line entanglements with the cables, testing an offsetting device at the seaward end of the tori line (in place of the road cone) to divert it from the net cables. During 2009, both Aves Argentinas and BirdLife South Africa trialled a prototype of the offsetting device (known as the 'Tamini Table') in order to further improve current mitigation measures.

Bronwyn Maree of Birdlife South Africa used a heavily weighted board with angled fins. She found that the offsetting device significantly reduced the entanglements compared to the standard tori line. This is great news, as fishermen are more likely to use this design of tori line, as it is safer for them, and ultimately should reduce the number of seabirds caught due to its improved efficacy. Similar results were noted in Argentina and Leo Tamini will continue to work to improve the design of the current device in their work for 2010. This device will soon be implemented as an improvement to the current tori line used in trawl fleets.

For further information contact: Bronwyn Maree at: albatross@birdlife.org.za

Industry-Wide Group Focuses Attention on Discards

Karen Green, Sea Fish Industry Authority, UK

The UK based Sea Fish Industry Authority is taking a pivotal role in mediating a common approach to issues affecting the whole seafood supply chain between the fishing industry, government, NGOs, retailers, processors and the food service sector. One of those issues is discards.

The Discard Action Group was set up by Seafish as an 'issue forum' to discuss and help resolve industry-wide problems. The group meets three times a year and one of its key roles is to provide factual information on discards that is both accessible and understandable.

A new fact sheet is now available which presents the key details on the development of an electronic fisheries monitoring tool, namely onboard video cameras. This can be downloaded from the new discards page on the Seafish [website](#).

This page is regularly updated and pulls together key information on measures to reduce discards. This page includes Seafish publications and news on past and present Seafish projects. It also provides links to published papers and reports, and suggests sources of further information.

For further information contact Tom Rossiter t_rossiter@seafish.co.uk or Karen Green k_green@seafish.co.uk

Deserted Ocean - A Social History of Depletion

By Norm Holy

Reviewed by Emma Bradshaw – Editor BCNN

I was privileged to be asked to review *Deserted Ocean - A Social History of Depletion* by the author Norm Holy. Norm is a long time subscriber of the BCNN and the 2006 runner-up of the WWF Smartgear competition..... and I must say I'm mighty glad I agreed.

Deserted Ocean, despite its small stature (149 pp.) succinctly brings together arguably the most devastating case studies from the northern hemisphere of human exploitation of our oceans, specifically the overfishing of finfish species and cetaceans.

Norm's depth of research is commendable. *Deserted Ocean* covers a time line few other books have achieved. Subjects range from the changes in fish consumption in the year 1000 A.D. from fresh to saltwater species, the first evidence in 1376, of an understanding of the impacts of trawling on the benthos and the inevitable repercussions on target populations, to the current issues of technological advancements in fishing processes, coastal development and ocean acidification.

Despite being a reader who is somewhat 'bycatch aware', I still learnt a great deal from this book. To many, overfishing is seen as a fairly recent repercussion of the rapidly expanding human population, however, *Deserted Ocean* turns this notion on its head with the concise review of evidence dating back to biblical times.

The terminology associated with the various forms of fishing and the gears used can often be quite technical, especially to the 'uninitiated', however *Deserted Ocean* effectively presents the information in an uncomplicated prose, easily understood even by the 'lay reader'. As such, I would highly recommend this book to those involved in any aspect of the industry, environmental educators (high school and university) or indeed anyone with an interest in the preservation of our marine resources.

In conclusion, *Deserted Ocean* is a coherent, informative and fascinating read. It is not bogged down by unnecessary detail and repetition, which, considering the scope of the content is impressive. Norm Holy has captured the essence of the environmental consequences of the human population on this previously 'inexhaustible' resource, the destruction of which is not only to the detriment of us directly as a diminishing food resource, but the health of the planet as a whole.

Conservation Measures Needed to Reverse Overfishing of Indian Ocean Tuna

Submitted by Mike Crispino, The International Seafood Sustainability Foundation, USA

Prior to the Indian Ocean Tuna Commission (IOTC) meeting in Busan, Korea (1-5 March 2010), the International Seafood Sustainability Foundation (ISSF) called on nations to 'adopt and enforce scientifically sound conservation management measures for yellowfin tuna in order to keep catches at or below 300,000 tons, a level scientists have determined is the maximum that can be fished while still allowing the stock to recover from overfishing.

"This is the recommendation of the IOTC Scientific Committee and we fully support its findings," ISSF President Susan Jackson said. "Countries must recognize that this stock will not recover at the rate it is currently being fished and leadership is needed to prevent yellowfin from declining further."

In 2008 the estimated catch of Indian Ocean yellowfin was 322,500 tons. Scientists warned the Commission prior to last year's annual meeting that yellowfin tuna was being overfished but members failed to enact a management measure to help rebuild the stock. "We're hopeful nations will act differently this year," Jackson added.

With limited data available on tuna fishing in the Indian Ocean, Jackson echoed a request of the Commission's scientists that "monitoring and data collection be strengthened over the coming year."

"Even a science-based conservation and management measure could be negatively impacted by a lack of data and monitoring," Jackson said. "Therefore, we are also asking nations fishing in the Indian Ocean to better collect and share data. It is also imperative that governments monitor and enforce compliance once conservation measures are in place."

To read the ISSF Position Statement presented to the IOTC, click [here](#). For further information contact Mike Crispino at: mcrispino@iss-foundation.org

"Take Reduction Team" Formed to Mitigate Longline Bycatch of Hawaii's False Killer Whales

An article in the August-September 2009 BCNN addressed false killer whale bycatch in the Hawaii-based longline fishery (Issue 13, pp. 9-13). Since publication of the article, the U.S. National Marine Fisheries Service has formed a Take Reduction Team, bringing together fishermen, scientists and conservationists to identify solutions to this bycatch problem. The team met in February and April and will meet again in June and July, before developing a draft Take Reduction Plan. Click [here](#) for more information on the Take Reduction Team and their deliberations.

Kobe II Bycatch (K2B) Workshop: June 22-25, 2010, Brisbane, Australia

The objectives for K2B were adopted by the participants of the second joint meeting of the tuna regional fishery management organizations (RFMOs) in 2009 and are as follows:

- ❑ Review available information on incidental catch of non-target species and juveniles of target species;
- ❑ Provide advice to tuna RFMOs on best practices, methods and techniques to assess and reduce the incidental mortality of non-target species, such as seabirds, turtles, sharks, marine mammals, and of juveniles of target species;
- ❑ Develop and coordinate relevant research programmes and observer programmes; and
- ❑ Make recommendations on mechanisms to streamline the work of tuna RFMO Working Groups in this field in order to avoid duplication.

The organizers of K2B intend to take into account the need to provide adequate capacity-building assistance to developing coastal States, in particular to small-island developing States, territories, and States with small and vulnerable economies in order to facilitate their participation and preparation at the workshop. The outcomes of the conference will consider the needs for capacity-building projects for bycatch assessment and mitigation.

Click [here](#) to register and book accommodation. The K2B agenda and additional information can be found at [Tuna-org](#) (under Meetings, 2010).

